

Date: October 19, 1999
Case No.: 1999-ERA-27

RANDY ROBARGE
Complainant,

v.

COMMONWEALTH EDISON
Respondent.

RECOMMENDED DECISION AND ORDER
APPROVING WITHDRAWAL OF CLAIM

A hearing on the complaint under the Energy Reorganization Act filed by the Complainant was scheduled to be heard on January 25-28, 2000. On October 15, 1999, the Complainant filed a notice of withdrawal without prejudice/voluntary dismissal of his complaint, based upon Complainant's contention that the Respondent has violated a settlement agreement with Mr. Robarge and that the enforcement of said agreement must be filed in federal court. Respondent has filed a statement that it does not oppose a said withdrawal/voluntary dismissal of complaint.

Based upon my consideration of the withdrawal request, and my review of the June 3, 1999 complaint and request for relief and the notification of the results of the investigation of August 23, 1999, in this case, I find that the best interests of the Complainant are served by GRANTING this request for withdrawing the claim. I consequently RECOMMEND the request to withdraw this claim without prejudice be APPROVED.

RECOMMENDED ORDER

IT IS HEREBY RECOMMENDED THAT this matter is withdrawn without prejudice.

THOMAS F. PHALEN, JR.
Administrative Law Judge

NOTICE: This Recommended Decision and Order will automatically become the final order of the Secretary unless, pursuant to 29 C.F.R. § 24.8, a petition for review is timely filed with the Administrative Review Board, United States Department of Labor, Room S-4309, Frances Perkins Building, 200 Constitution Ave., N.W., Washington, D.C. 20210. Such a petition for review must be received by the Administrative Review Board within ten business days of the date of this Recommended Decision and Order, and shall be served on all parties and on the Chief Administrative Law Judge. See 29 C.F.R. § 24.8 and 24.9, as amended by 63 Fed. Reg. 6614 (1998).